

**UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**WILLARD LECROY, INDIVIDUALLY  
AND ON BEHALF OF THE ESTATE OF  
LILIA LECROY, DECEASED, AND  
EDWARD LECROY**

**VS.**

**VOLUME TRANSPORTATION, INC. and  
MARIO SAUCEDO**

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**CAUSE NO. \_\_\_\_\_  
JURY TRIAL DEMANDED**

**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff files this original complaint, and would respectfully show the Court as follows:

**I. Nature of Suit**

1. This is a negligence claim arising out of a severe wreck with a tractor trailer.

**II. Parties**

2. Plaintiff, Willard Lecroy, individually and on behalf of the estate of Lilia Lecroy, deceased, is a citizen and resident of Smith County, Texas.
3. Plaintiff, Edward Lecroy, is a citizen and resident of Smith County, Texas.
4. Defendant, Volume Transportation, Inc. is a Georgia corporation with its principal place of business at 2261 Plunkett Road, Conyers, GA 30012. Volume Transportation, Inc. does not maintain a registered agent for service of process in Texas. Therefore, Volume Transportation, Inc. may be served through the Secretary of State, by certified mail, Return Receipt Requested, at

Service of Process  
Secretary of State  
P.O. Box 12079  
Austin, Texas 78711-2079

5. Defendant, Mario Saucedo, is a citizen and domiciliary of Ridge Manor, Florida, and his place of residence is, 6060 Knollwood Dr., Ridge Manor, FL 33523. Service on Mario Saucedo may be made through the Chairman of the Texas Transportation Commission, by certified mail, Return Receipt Requested, at

Tryon D. Lewis, Chairman  
Texas Transportation Commission  
125 E. 11<sup>th</sup> St.  
Austin, Texas 78701-2483

### **III. Jurisdiction and Venue**

6. The court has jurisdiction over this lawsuit because this suit involves diversity jurisdiction pursuant to Section 28 U.S.C. 1332(a). Specifically, there is diversity between the parties because the plaintiff is a citizen of Texas, the defendant corporation is a citizen of Georgia, and the defendant driver is a citizen of Florida. Additionally, the amount in controversy exceeds \$75,000.

7. Further, venue is proper in the Tyler division of the Eastern District of Texas in that all or a significant portion of plaintiff's claims and/or causes of action accrued in the Eastern District of Texas pursuant to 28 U.S.C. §1391(a). Specifically, this crash occurred in Smith County, Texas, while Saucedo was operating a vehicle in Smith County, Texas, within the course and scope of his employment for Volume Transportation, and the facts are detailed below. These contacts in Smith County also satisfy the personal jurisdiction requirements as to each defendant because specific jurisdiction is present.

#### **IV. Facts**

8. This lawsuit arises from a severe wreck that occurred on February 03, 2017. Mario Saucedo was operating a 2017 Cascadia Freightliner, with a 1999 Great Dane Trailer attached, while in the course and scope of his employment for Volume Transportation, Inc.

9. Jessica Lecroy drove the 2004 Nissan Xterra, Edward Lecroy was a backseat passenger, and Decedent Lilia Lecroy was a front seat passenger in the same vehicle. Willard Lecroy, husband of Lilia Lecroy at the time of her death, was not in the vehicle.

10. At about 4:13 in the afternoon on Friday, February 3<sup>rd</sup>, Saucedo was northbound on US 271, in the outside lane, approaching the intersection of US 271 and the loop extension in a 55 mph zone. The Nissan Xterra was southbound on US 271, in the left turn lane. This busy intersection is controlled by a light.

11. Saucedo was traveling at a faster rate of speed than appropriate for the traffic conditions. Saucedo failed to recognize that his light had been yellow for a long period of time, and failed to slow down at all or stop. Saucedo failed to recognize that four vehicles were turning in front of him in quick succession, and entered the intersection as the light changed to red, causing the catastrophic wreck with the fourth vehicle—the Lecroy's vehicle.

12. Still shots from Saucedo's dash cam depict Saucedo's negligence.

At 22:11:21, the middle ball is illuminated:



A split second later, still at 22:11:21, the left ball (red light) is illuminated:



13. Saucedo collided with the Xterra on the front passenger side, causing the death of Lilia Lecroy and severe injury to Edward Lecroy.



**V. Negligence of Mario Saucedo**

14. In causing the collision, Saucedo was negligent in the following acts and omissions:

- A. Defendant failed to stop at the proper place.
- B. Defendant failed to control his speed as required by the laws of the State of Texas.
- C. In that the defendant failed to timely apply his brakes as a reasonable and prudent person would do under the same or similar circumstances.

- D. Failing to maintain a proper lookout, and was otherwise inattentive.
- E. In that the defendant failed to take proper evasive action.
- F. In that the defendant failed to yield right of way.

Each negligent act or omission constituted a proximate cause of the collision and of the resulting injuries to Edward Lecroy and the death of Lilia Lecroy.

**VI. Vicarious Liability Of Defendant, Volume Transportation, Inc.**

15. At all relevant times to the collision, Saucedo was acting in the course and scope of his employment with Volume Transportation, Inc. Therefore, Volume Transportation, Inc. is vicariously liable for the negligence and negligence per se of its employee, Saucedo.

**VII. Negligence Of Volume Transportation, Inc.**

16. Volume Transportation, Inc. was negligent in the following acts and/or omissions:
- A. Negligent entrustment as that term is defined under Texas law.
  - B. Negligent hiring.
  - C. Negligently failing to institute and maintain reasonable driving training and safety programs for employees in a same or similar position as Saucedo, and
  - D. Negligently failing to supervise Saucedo.

Each negligent act or omission constituted a proximate cause of the collision and of the resulting injuries to Edward Lecroy, and the death of Lilia Lecroy.

### **VIII. Damages**

17. As a proximate result of defendant's negligence, Plaintiff, Edward Lecroy, has suffered serious bodily injury and seeks damages as follows:

- A. Physical pain and mental anguish in the past and future
- B. Medical expenses and related expenses for medical care in the past and future.
- C. Loss of wages and/or loss of earning capacity in both the past and in the future.
- D. Impairment in the past and future.
- E. Disfigurement in the past and future.

15. As a proximate result, of defendant's negligence, Plaintiff, Willard Lecroy, individually and on behalf of Lilia Lecroy, deceased, seeks damages as follows:

- A. Pain and mental anguish for Lilia Lecroy;
- B. Funeral and burial expenses for Lilia Lecroy;
- C. Pecuniary loss in the past and future for Willard Lecroy and Edward Lecroy;
- D. Loss of companionship and society in the past and future for Willard Lecroy and Edward Lecroy;
- E. Mental Anguish in the past and future for Willard Lecroy and Edward Lecroy;
- F. Loss of inheritance for Willard Lecroy and Edward Lecroy;



